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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2007 DEC 19 AM 11:40

US DISTRICT COURT
WD.N.Y. - BUFFALO

LISA COLLINS,

Plaintiff,

-v-

VICE PRESIDENT DICK CHENEY, et al.,

Defendants.

DECISION AND ORDER
07-CV-0725S

By Order entered December 5, 2007(Docket No. 4), incorporated by reference herein, this Court dismissed with prejudice plaintiff Lisa Collins's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). In addition, the Court ordered that plaintiff show cause by December 31, 2007, why the Court should not impose, for the reasons set forth in the Court's Order, the sanction enumerated therein, specifically that Collins be barred from filing any further pro se actions without first obtaining the permission of the Court to do so. The Court's Order advised Collins that her failure to show cause why the sanction set forth in the Court's Order should not be imposed would result in the imposition of said sanction.

Collins submitted a "response" on December 10, 2007 (Docket No. 6), but it fails to address in any sensible or meaningful way why the sanction set forth in the Court's Order of December 5, 2007 should not be imposed. Accordingly, this

Court reaffirms the Order entered December 5, 2007, and imposes upon Collins the sanction described therein. (Docket No. 4).

CONCLUSION AND ORDER

For the reasons discussed in the Court's Order entered December 5, 2007 (Docket No. 4), the Court finds that the sanction enumerated therein, which is based upon the Court's inherent authority and Fed. R. Civ. P. 11, is warranted and are hereby imposed upon plaintiff Lisa Collins.

The Court also hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this judgment would not be taken in good faith and therefore denies leave to appeal as a poor person. *Coppedge v. United States*, 369 U.S. 438 (1962).

Petitioner must file any notice of appeal with the Clerk's Office, United States District Court, Western District of New York, within thirty (30) days of the date of entry of this Order in this action. Requests to proceed on appeal as a poor person must be filed with the United States Court of Appeals for the Second Circuit in accordance with the requirements of Rule 24 of the Federal Rules of Appellate Procedure.

IT IS HEREBY ORDERED that Lisa Collins is barred from filing any further pro se actions in this Court without first obtaining permission from the Court to do so;

FURTHER, that the Clerk of the Court is directed **not to file** any future (“new”) actions, of any type, submitted by Collins until the Court has determined whether it has jurisdiction over the claims; the allegations in fact are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; or the action is not frivolous, baseless, repetitious, vexatious or not filed simply to annoy or harass. If the Court determines that the submission should be accepted for filing, the Court will so direct. In the event a future complaint or action is determined to be insufficient for lack of subject matter jurisdiction, or to be otherwise frivolous, baseless, repetitious, vexatious or filed simply to annoy or harass, as defined above, the complaint shall be dismissed with prejudice by summary Order citing to this Order. Only upon a determination that a future or new action may go forward shall the Court direct the Clerk of the Court to cause the United States Marshals Service to serve the defendants or to issue summonses. Unless and until the Court enters an Order directing the Clerk of the Court to cause the United States Marshals Service to serve a summons and complaint on the defendants or to issue summonses, no defendant shall be required to answer or otherwise respond;

FURTHER, that this injunction against the filing of any future or new actions in this Court is to be equally applied to any future or new actions transferred to this from another Court, and if the transferred in action would not

have been filed here under the conditions set forth in this Order, it too shall be subject to a summary order of dismissal after preliminary review by the Court; and

FURTHER, that leave to appeal from this Order to the Court of Appeals as a poor person is denied.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: Dec. 19, 2007